

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Part 97 of the
Commission's
Rules Governing the Amateur Radio
Services

WT Docket No. 04-140

Amendment of Section 97.111 of the
Amateur
Radio Service Rules to Limit
Transmissions of
Information Bulletins

Conforming Amendments to Part 97 of
the
Commission's Rules to Implement the
World
Radio Conference 1997 Final Acts

Amendment of Part 97 to Provide Color-
coded
License Documents

Amendment of Part 97 to Allow Instant
Temporary Licensing

Amendment of the Amateur Service
Rules to
Limit One-Way Voice Broadcasting on
Frequencies Allocated to the Amateur
Service

Amendment of Sections 97.111 and
97.113 of
The Commission's Rules to Curb Certain
Abuses in the Amateur Radio Service

Amendment of Section 97.3(a)(26) to
Establish Two Classifications of
Information Bulletins

Amendment of Section 97.305(c) to
Authorize
Image Emissions in Additional High
Frequency Segments

By W. Lee McVey

To: The Commission

**OPPOSITION TO PETITION FOR PATIAL RECONSIDERATION FILED
BY THE AMERICAN RADIO RELAY LEAGUE (ARRL) DECEMBER 11,
2006**

ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated (ARRL), by counsel and pursuant to Section 1.429 of the Commission's rules (47 C.F.R. §1.429), on December 11, 2006, filed a Petition for Partial Reconsideration to reconsider and modify a portion of the Report and Order (the R&O), FCC 06-149, released October 10, 2006, 71 Fed. Reg. 66460 et seq. The R&O amended Parts 1, 2 and 97 of the Commission's rules governing the Amateur Radio Service to modernize, streamline and remove unnecessary restrictions on Amateur Service licensees in a number of disparate respects. Among these amendments were the revision of the frequency segments of the Amateur Service High

Frequency (HF) bands on which Amateur stations are authorized to transmit telephony (voice) communications and amendment of the bandwidth restrictions on digital telecommunications.

In several respects, the extent of these actions, and in particular, the action requested by ARRL at this late date, will further aggravate the provisions adverse to the interests and ongoing contributions to the radio art by the vast majority of present and future Amateur Radio licensees. I will file a subsequent Request for Partial Stay of Effective Date of Rule to further address other shortcomings of the Rule in this regard.

ARRL claims that the R&O creates consequences that the Commission did not intend, in the course of a very substantial and necessary expansion of the 80-meter telephony sub-band. An expansion that was based largely on the requests of many commenting amateur licensees that telephony spectrum on the 80 meter band, in particular, was insufficient to meet the needs of the US amateur community.

In the relocation of the “dividing line” between the RTTY/data/ telegraphy (narrowband) segment and the telephony/image/telegraphy (wideband) segment of the 3.500-4.000

MHz band from 3750 kHz to 3600 kHz, the Commission eliminated the 3620-3635 kHz segment used by licensees using automatically-controlled, digital communications. This segment is now used (perhaps best described as ‘abused’) by amateurs using automatically-controlled, wide-bandwidth J2D PacTOR III. A mode that is proprietary and unspecified that routinely occupies more than 3kHz bandwidth. Automatic PacTOR stations frequently initiate transmissions without having the capability of detecting other modes using the frequencies. As such, these attempts to ‘connect’ can and frequently do interfere with ongoing communications. Furthermore, the ARRL continues, over and over, to misstate that J2D PacTOR III is a narrow-bandwidth mode, wherein the Commission clearly intended narrowband digital modes within RTTY/data/telegraphy segments to not exceed 500Hz in total occupied bandwidth. PacTOR III uses a protocol that employs as many as 16 separately modulated carriers, each at a rate not exceeding 100 Baud, yet with a total occupied bandwidth of more than 3kHz per transmission. A bandwidth that, by definition, is wide, not narrow.

It was proper, in light of the heavy demand for telephony use on the 80-Meter band, for the Commission to have reduced the RTTY/data/telegraphy spectrum segment. And, in so doing, to have eliminated the uncontrolled, automatic data segment. Automatic operation wastes a great deal of

spectrum that could and should be used by more spectrum-efficient data modes where spectrum space is at a premium.

In view of the above, I request that the Commission reject the instant Petition.

Respectfully Submitted,

/s/

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December 14, 2006

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